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Maia Bellon, Director
Washington Department of Ecology
PO Box 47600
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ATTN: Water Quality Program
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Becca Conklin

RE: Comments on the State's 2016 Draft Rule for Human Health Criteria and Implementation Tools in Washington State Water Quality Standards

April 19, 2016

Dear Director Bellon,

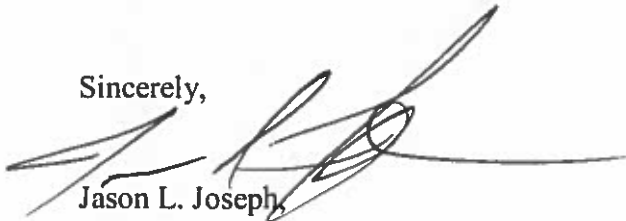
The Sauk-Suiattle Indian Tribe has been working with the state of Washington and the U.S. Environmental Protection Agency for many years to develop and adopt revised water quality standards that will protect the health of Tribal people and respect our treaty-reserved rights to the harvest of fish and shellfish. The Department of Ecology has now proposed a second draft rule for human health criteria and implementation tools, and we offer the following comments on the state's proposed rule, issued in February 2016. First, the proposed state rule once again falls short of the stated goal of protecting people who consume fish and shellfish. Additionally, the Sauk-Suiattle Indian Tribe hereby supports, adopts, and incorporates by reference the complete Northwest Indian Fisheries Commission comments submitted to Ecology in April 2016. Finally, the Sauk-Suiattle Indian Tribe would like to express our support for the more protective draft rule for human health criteria applicable to Washington State, issued by the U.S. Environmental Protection Agency on September 14, 2015.

Tribes entered this discussion many years ago with their concerns that the existing fish consumption rate of 6.5 grams per day grossly under-represents Tribal fish consumption. The harvest and consumption of fish and shellfish remains at the heart of Tribal communities, and is a cultural, nutritional, and economic necessity as well as a treaty right. The proposed FCR of 175 g/day is low compared to fish consumption rates at many Tribes. Additionally, in reviewing the impact on public health from toxic chemicals in the food chain, we have learned that many other provisions of the rule proposed by the Department of Ecology may greatly diminish the protective benefit of a higher fish consumption rate.

Ecology proposes other human health criteria that do not incorporate best available science and fail to account for other sources of toxic chemicals, and we recommend adoption of the criteria proposed by the EPA. Additionally, the state's proposal will allow the criteria for several highly toxic chemicals including PCBs, arsenic, and dioxin to remain at status quo or to get substantially worse. The state's proposed implementation tools should be adjusted so that they are directed toward accountability and attainment of water quality standards, not a set of tools to help dischargers avoid compliance.

Washington State is required to meet the provisions of the Clean Water Act to preserve the beneficial uses of water, including fishing. The public health issues that are determined by these standards affect everyone in Washington who eats fish. On top of this concern, the state must not impair the Tribe's treaty-reserved rights to take and consume fish at all their usual and accustomed fishing grounds and stations. The proposed rules by the state of Washington do not meet these requirements.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason L. Joseph', is written over the typed name.

Jason L. Joseph,
Sauk-Suiattle Natural Resources Director, and
Northwest Indian Fisheries Commissioner

CC:

Lorraine Loomis, Chair, Northwest Indian Fisheries Commission

Dennis McLerran, EPA Region 10 Administrator

Dan Opalski, EPA Region 10 Director for the Office of Water and Watersheds